

DON'T TELL

investigation begins, a commander must have a reasonable belief that:

- A soldier has engaged in a homosexual act.
- A soldier has stated that he or she is homosexual or has otherwise indicated a propensity to engage in homosexual conduct.
- A soldier has “married” or attempted to “marry” a person of the same sex.

How do investigations proceed?

When commanders have credible information, they initiate an inquiry. Commanders are required to consult with legal advisors prior to initiating any investigation into alleged homosexual conduct.

What is NOT credible information?

The following are not credible information:

- Rumors that a soldier is homosexual;
- Others’ opinions that a soldier is homosexual;
- Going to a homosexual bar, reading homosexual publications, associating with known homosexuals or marching in a homosexual-rights rally in civilian clothes;
- Reporting threats or accusations of being homosexual.

What IS credible information?

The following is credible information:

- A statement by a reliable person that the soldier has engaged in a homosexual act;

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WHEN NOT TO START A FACT-FINDING INQUIRY ABOUT POSSIBLE HOMOSEXUAL CONDUCT

- Do not start a fact-finding inquiry into possible homosexual conduct when a soldier reports that he or she is being threatened or harassed because of rumors that he or she is homosexual.
- Do not start a fact-finding inquiry when a soldier is suspected of engaging in homosexual conduct but the only information is the opinion of others that a soldier is a homosexual.
- Do not start a fact-finding inquiry when the inquiry would be based on rumor, suspicion or capricious claims concerning a soldier’s sexual orientation.
- Do not start a fact-finding inquiry when the only information known is an “associational” activity such as going to a homosexual bar, possessing or reading homosexual publications, associating with known homosexuals or marching in a homosexual rights rally in civilian clothes.